

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORUM,

Plaintiff,

v.

CHERTOFF,

Defendant.

No. C05-00795 MJJ

**ORDER DENYING PLAINTIFF'S
REQUEST FOR REINSTATEMENT OF
APPEAL FILING FEES FOR APPEAL
FEES PREVIOUSLY PAID**

Before the Court is Plaintiff Percy Orum's ("Plaintiff") Request for Reinstatement of Appeal Filing Fees for Appeal Fees Previously Paid ("Request"). (Docket No. 88.) For the following reasons, the Court **DENIES** Plaintiff's Request.

On December 28, 2007, the Court granted Defendant Michael Chertoff's ("Defendant") motion for summary judgment. Plaintiff then appealed the Court's order. Rather than paying the appellate filing fees, however, Plaintiff filed this motion requesting that the Court reinstate the appellate fees Plaintiff previously paid. (Request at 1.) Specifically, Plaintiff requests that the Court reinstate the fees he paid to appeal the Court's April 6, 2006 order granting in part and denying in part Defendant's motion to dismiss.¹ (Docket Nos. 28-29.)


This Court is not aware of, nor did Plaintiff cite to, any authority suggesting that multiple appeals in a single case are subject to only one filing fee. Instead, the appellate court requires a filing fee whenever an appeal is filed, so long as the plaintiff is not *in forma pauperis* or a

¹ The Ninth Circuit dismissed Plaintiff's appeal for lack of jurisdiction. (*See* Docket No. 30.)

1 government entity. *See* 9TH CIR. R. 3-1. Plaintiff has not applied to proceed *in forma pauperis*.
2 Accordingly, the Court **DENIES** Plaintiff's request.

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4 **IT IS SO ORDERED.**

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7 Dated: February 12, 2008


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE